

REMARKS

The Office Action of January 4, 2006 was received and reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-79 were pending prior to the instant amendment. By this amendment, claims 1, 7, 15, 34, 39, 63 and 72 have been amended, claims 4, 12, 37, 45, 68 and 77 have been canceled herein, and claims 16-33 and 47-62 have been withdrawn from consideration. Accordingly, claims 1-3, 5-11, 13-15, 34-36, 38-44, 46, 63-67, 69-76 and 78-79 are pending for consideration, of which claims 1, 7, 34, 39, 63 and 72 are independent.

Claims 1-6, 7-15, 34-46, 63-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki et al. (U.S. Patent No. 6,781,162 – hereafter Yamazaki) in combination with Kihira et al. (U.S. Patent No. 6,631,022 – hereafter Kihira).

In response to the rejection, Applicants have amended independent claims 1, 7, 34, 39, 63 and 72, as shown above, to further recite “forming a first film in a chamber by a CVD method using a first gas” and “forming a second (silicon nitride) film over a surface of the substrate by a sputtering method using the first film and a second gas in the chamber.” Support for the amended features can be found at least on, e.g., page 7, line 19 to page 8, line 23 of the specification. According to the amended claims, the present invention conducts the CVD method and the sputtering method in the same chamber.

In the rejection of claims 4, 12, 37, 45, 68 and 77, the Examiner asserted that “Yamazaki et al. teach forming the silicon nitride protective film by sputtering but fail to teach that the target silicon nitride film is formed by plasma CVD. However, the formation of silicon nitride by plasma CVD is well-known.” In response, Applicants respectfully disagree with the Examiner’s assertion, and Applicants respectfully assert that CVD method and sputtering method conducted in the same chamber is not well-known as alleged by the Examiner. In this regard, Applicants respectfully request the Examiner to provide documentary evidence to support the Examiner’s conclusion, in accordance with MPEP 2144.03.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. As Yamazaki and Kihira fail to teach, disclose or suggest forming a first film in a chamber by a CVD method using a first gas and forming a second film over a surface of a substrate by a sputtering method using the first film and a second gas in the same chamber, as recited in the amended independent claims, the §103(a) rejection of the independent claims and their respective dependent claims is improper.

Claims 4, 12, 37, 45, 68 and 77 have been cancelled without disclaimer or prejudice against the subject matter disclosed therein. The features of the cancelled claims have been incorporated into their respective base claims.

In view of the foregoing, it is respectfully requested that the §103(a) rejection of record be reconsidered and withdrawn by the Examiner, that claims 1-3, 5-11, 13-15, 34-36, 38-44, 46, 63-67, 69-76 and 78-79 be allowed, and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



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